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July 18, 2002

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By: *Nancy Y. Foster*

Nancy Y. Foster

PATENT

Customer Number 22,852

Attorney Docket No. 04121.0116-02000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Holly H. HOGREFE et al.

Serial No.: 09/399,003

Filed: September 20, 1999

Title: POLYMERASE ENHANCING  
FACTOR (PEF) EXTRACTS, PEF  
PROTEIN COMPLEXES, ISOLATED  
PEF PROTEIN, AND METHODS  
FOR PURIFYING AND  
IDENTIFYING

Group Art Unit: 1634

Examiner: J. TAYLOR

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Commissioner for Patents  
Washington, DC 20231

Sir:

**SUBMISSION OF SEQUENCE LISTING**

Applicants now respond to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice") mailed May 20, 2002. A Petition for One Month Extension of Time and the requisite fee are filed herewith.

A copy of a computer readable form (CRF) and a substitute paper copy of the Sequence Listing are enclosed. Please replace the current Sequence Listing in the specification with the substitute paper copy of the Sequence Listing included herewith. I hereby state that the information contained in the CRF of the Sequence Listing is

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identical to the substitute paper copy of the Sequence Listing (40 pages), and that this Sequence Listing adds no new matter. A copy of the Notice is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 18, 2002

By: *Robert W. Mann*  
Robert W. Mann  
Reg. No. 48,555

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

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**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**